City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
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CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number:	2201567
Applicant Name:	Eric Friedli, Seattle Department of Parks and Recreation
Address of Proposal:	7400 Sand Point Way NE

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Permit to develop a non-motorized boating center and picnic area at the North Shore Recreation area of Sandpoint Magnuson Park. The proposal includes three new floating docks, a fast launch float, three new boat ramps, improved access to the water by creating 650 sq. ft. of new beach area, and creating a habitat restoration area along a 640-foot section of the Lake Washington shoreline. Project includes relocation of the picnic shelter and removal of existing bulkhead, a floating dock, a float and a 130 ft. section of log boom located at the northwest edge of the site nearest to the shoreline. Project also includes a new pathway from Sand Point Way NE and demolition of buildings #402, 115/206, 40 and a portion of building 31. Environmental documents prepared by the Seattle Department of Parks and Recreation (DOPAR).

The following approvals are required:

Shoreline Substantial Development Permit: To allow improvements to an existing park located along Lake Washington in the Conservancy Management Environment. (Section 23.60.020A Seattle Municipal Code)

SEPA - To impose conditions Chapter 25.05, Seattle Municipal Code. (DNS prepared by Seattle Department of Parks and Recreation)

SEPA DETERMINATION: [ ] Exempt [ ] DNS [X] MDNS* [ ] EIS

[ ] DNS with conditions

[ ] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

*Mitigated determination of non-significance issued by the Seattle Department of Parks and Recreation on February 15, 2002.

BACKGROUND DATA

Site Location and Description

The proposal site is located at 7400 Sand Point Way NE in Magnuson Park on the west shore of Lake Washington. The site is an irregularly shaped parcel with the long axis of the parcel running along the west shore of Lake Washington. The total length of shoreline on this parcel is approximately 1,630 lineal feet. The parcel is at the northernmost portion of the former Sand Pont Naval Station, which is now owned by the Seattle Parks Department.

Zoning

Single Family 7200 (SF 7200) with a Conservancy Management (CM) shoreline designation.

Area Development and Zoning

North:	Single-family residences within Single Family 5000 zone with UR and Conservancy Recreation (CR) Shoreline Master Program designations
Northeast:	Lake Washington; CM Shoreline Master Program designation
South:	Former Naval Station Buildings; Single Family7200 (SF7200) and CM Shoreline Master Program designation
East:	NOAA Fisheries Offices; Single Family 7200 (SF7200)
West:	Sand Point Way NE; SF 7200 Multifamily units and the Sand Point Country Club

Project Description

The applicant (Seattle Department of Parks and recreations) proposes to develop a non-motorized boating center and picnic area at the North Shore Recreation area of Sandpoint Magnuson Park. The proposal includes two new floating docks, a fast launch float, three new boat ramps, improved access to the water by creating 650 sq. ft. of improved beach area, and creating three habitat restoration areas totaling 10,400 sq. ft. of native vegetation with x sq ft. of this restoration along the shoreline. The project includes relocation of the picnic shelter and removal of existing bulkhead, a float and a 130 ft. section of log boom located at the northwest edge of the site nearest to the shoreline. Project also includes a new pathway from Sand Point Way NE and demolition of buildings #402, 115/206, 40 and a portion of building 31, which is overwater. The following specific actions are proposed:

Shoreline

- Create 120 lineal feet of beach area
- Create approximately 390 lineal feet of shoreline habitat restoration.
- Plant native vegetation within habitat restoration and wetland areas.
- Install three (3) new hand launch boat ramps

- Add approximately 180 cubic yards of riprap near floating dock W.
- Install two (2) new floating docks
- Install new 18 feet by 95 feet fast launch float on existing float
- Install 34 new 13 inch steel, reinforced plastic, or concrete piles
- Remove of 44 10-inch creosote-treated piles
- Remove one dolphin that contains six, 10 inch creosote-treated pilings.
- Remove 240 linear feet of bulkhead
- Remove approximately 630 linear feet of bullrail.
- Demolish a portion of building 31 (south portion 34' by 40')
- Remove existing float (61'by 18')
- Remove covered boathouse (51' by 30').
- Remove small pier (83' by 5' plus 4, 4 feet by 35 feet fingers)

Shoreline Access

- Construct an asphalt-covered path near the eastern edge of Sand Point Way NE to provide increased access to the shoreline. This path will meet the requirements for accessibility determined by the American with Disabilities Act (ADA).

General

- Remove existing picnic shelter and construct a 25 by 37-foot picnic shelter near the northern most portion of the new pathway.
- Reconfigure existing parking areas.
- Remove 72.5' by 16.5' one story building.
- Remove 15' by 11' one story building.

Construction materials and equipment will be transported to the site using either trucks or barges. It is anticipated that some of the demolition and construction of in water structures will be conducted from a barge. The barge will be outfitted with equipment (e.g. crane, pile driver) capable of removing the structures and placing new materials during construction activities. It is anticipated that construction will also require the use of a variety of equipment types including front-end loaders, excavators, and graders. The shoreline will be graded back to a gentler gradient and covered with the pea gravel. Access paths and the picnic shelter and a boat storage area for sailboats and paddle boats will be constructed in the upland area adjacent to the shoreline.

No in-water work will take place between November 1 and July 15 to minimize construction impacts on juvenile salmon and bull trout.

Public Comment

The City did not receive any comment letters during the SEPA comment period and Notice of Application, which ended on October 4, 2002.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: A *substantial development permit shall be issued only when the development proposed is consistent with:*

A. The policies and procedures of Chapter 90.58 RCW;

B. The regulations of Chapter 23.60; and

C. The provisions of Chapter 173-27 WAC

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

A. The Policies and Procedures of Chapter 90.58 RCW

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy aims to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle and other jurisdictions with shorelines, adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60 that also incorporates the provisions of Chapter 173.27 WAC. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions. As the following analysis will demonstrate, the subject proposal is consistent with the procedures outlined in RCW 90.58.

B. The Regulations of Chapter 23.60

Chapter 23.60 of the Seattle Municipal Code is known as the "Seattle Shoreline Master Program". In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the approval criteria set forth in SMC 23.60.030 (cited above). Development standards of the shoreline environment and underlying zone must be considered, and a determination made as to any special requirements (shoreline

conditional use, shoreline variance, or shoreline special use permit) or conditioning that is necessary to protect and enhance the shorelines area (SMC 23.60.064). In order to obtain a shoreline substantial development permit, the applicant must show that the proposal is consistent with the shoreline policies as referenced in SMC 23.60.004, meets the development standards for all shoreline environments established in SMC 23.60.152 as well as the criteria and development standards for the shoreline environment in which the site is located, any applicable special approval criteria and the development standards for specific uses.

The site is classified as a waterfront lot (SMC 23.60.924) with a Conservancy Management (CM) shoreline designation including the adjacent submerged area of the site. The use at this site is established as a park and is permitted outright in these two shoreline environments (SMC 23.60.420 and 23.60.360).

SMC 23.60.004 - Shoreline Policies

The Shoreline Goals and Policies which are part of the Seattle Comprehensive Plan's Land Use Element and the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220 must be considered in making all discretionary decisions in the shoreline district. The purpose of the CM Environment is stated in SMC 23.60.220. C. 4. The purpose of the CM shoreline environment is to conserve and manage areas for public purposes, recreational activities and fish migration routes. While the natural environment need not be maintained in a pure state, developments shall be designed to minimize adverse impacts to natural beaches, migratory fish routes and the surrounding community.

SMC 23.60.152 - Development Standards for all Environments

These general standards apply to all uses in the shoreline environment. They require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. All shoreline development and uses must, in part:

1) minimize and control any increases in surface water runoff so that receiving water quality and shore properties are not adversely affected;

2) control erosion during project construction and operation;

3) be located, designed, constructed, and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas, including but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.

4) be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.

5) be designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area;

6) be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization landfills, levees, dikes, groins, jetties, or substantial site regrades.

The proposed recreational use as conditioned including the proposed mitigation, is consistent with these general standards for development within the shoreline area, thereby minimizing any adverse impact to the shoreline environment, to water quality, to the natural shoreline processes, and the surrounding land and water uses.

SMC 23.60.450 - Development Standards for the CM Environments

SMC 23.60.452 - Critical habitat protection in the CM Environment

All developments in the CM Environment shall be located and designed to minimize disturbance of any critical habitat area. "Critical habitat areas" include salt or fresh water marshes, swamps, bogs, eel grass areas, kelp beds, streams, fish spawning areas, and other habitats.

Critical habitat areas include fish rearing, fish refuge, fish migration route and bald eagle foraging. This area of Lake Washington is a migration route and rearing area for juvenile Puget Sound chinook salmon and as a foraging area for bald eagles. The submittal information outlines mitigation measures and construction practices that must be followed to minimize the impacts on juvenile chinook salmon and the aquatic environment.

Also of concern for natural area protection is the impact of the continued existence of some simplified nearshore lake environment, over and in-water structures and elimination of substrate. These four factors lead to a decrease in the amount of habitat available for refuge for juvenile chinook, an increase in habitat for non-native aquatic species that prey on juvenile chinook salmon, and a reduction in the amount of prey produced by the substrate and input from terrestrial vegetation in the form of terrestrial insects. Ideal habitat for juvenile chinook is shallow water that allows the juveniles to escape from predation by larger fish, complexity in the form of a sinuous shoreline with overhanging vegetation, woody debris in the very shallow areas and the absence of over and in-water structures. These habitat features provide a more natural habitat for juvenile chinook, a source of terrestrial prey and refuge in the form shallow water and undercut banks.

Impacts on the fish habitat and the lake environment will be minimized by a number of techniques. In-water and shoreline enhancements will be made and include removal of 390 lineal feet of bulkhead, the grading of the shoreline to establish a shallow slope,

substrate amendment with pea gravel, and native riparian vegetation planting. A vegetation monitoring plan is required. The purpose of the vegetation monitoring plan is to assure eighty (80) percent survival of the terrestrial vegetation in the CM Shoreline Environment. Additionally due to the increase in overwater coverage and the impacts caused by three additional concrete boat ramps, a 615-ft shoreline area south of this site will be enhanced with native willows.

Tables 1 and 2 compare the existing shoreline and upland habitat conditions to the proposed shoreline and upland habitat conditions.

Table 1
NSRA Project: Shoreline and In-water Characteristics and Project Table[1]

Shoreline Characteristics	Pre-Project	Post Project
Bank Material		
Length (ft) of shoreline with vertical concrete bulkhead (include height of bulkhead)	1,140 feet (height: west of large pier, 2-3 feet; east of pier 4-9 feet)	270 feet (height: mainly 3-5 feet; small section that is 9 feet.
Length of shoreline with concrete debris	190 feet	0 feet
Length of shoreline with bio-engineered shore	0	635 feet
Length of shoreline with natural bank	100 feet	420 feet
Boat ramp concrete	35 feet	139 feet
Total	1465 feet	1465 feet
Overwater Coverage		
Included dimensions (length and width) and area (ft2) of each structure		
Total over water coverage by docks and piers and floats (list each structure separately).	Large Pier: 90x40 and 200x20= 7,600 sq ft	Large Pier: 90x40 and 200x20= 7,600 sq ft
	Small Pier: 83x5 and 4 arms at 35x4= 975 sq ft	Dock W (fixed dock and gangway, grated): 8x70= 560 sq ft Attached floating pier 8x115 =1,400
	Floating boathouse: 51x30= 1,550 sq ft	Dock E (fixed dock and gangway, grated): 8x70= 560 sq ft Attached floating pier 8x135 = 1080 sq ft
	Small float: 36x26= 940 sq ft	Fast launch float: 18X95 =1,700 sq ft
	Large float: 61x18=1,100 sq ft	
Total	12,165 sq ft	12,900 sq ft
Over water coverage by buildings (list each structure separately).	Bldg 31: 7,760 sq ft (odd shape so length and width measurements not provided)	Remaining section of Bldg 31: 6,500 sq ft
Total	7,760 sq ft	6,500 sq ft
TOTAL OF ALL OVERWATER STRUCTURES	19,925 sq ft	19,400 sq ft
In-water Structures		
Number of piling (include size and material of piling)	44 10-inch creosote-treated piling to be removed	33 14-inch steel piling to be installed (Total net decrease of 11 pilings)
Number of dolphins with the number of associated piling (include size and material of piling)	1 dolphin containing 6 creosote piling; 10-inch diameter to be removed	0

Table 1
NSRA Project: Shoreline and In-water Characteristics and Project Table[1]

Shoreline Characteristics	Pre-Project	Post Project
Total in-water area (square feet)	1,570 sq ft	1,520 sq ft
In-water Substrate and Vegetation Coverage of Project Area. Include dimensions (length and width) and area (ft^2) of each substrate and vegetation type		
Substrate Type		
Boat Ramp Concrete (panels)	Boat ramp on eastern border of park: 35x85= 2,975 sq ft	Boat ramp on eastern border of park: 35x85= 2,975 sq ft Boat ramp W: 28x85= 2,380 sq ft Boat ramp M: 38x51= 1,940 sq ft Boat ramp E: 38x65= 2,470 sq ft
Total	2,975 sq ft	9,765 sq ft
rip rap	None other than 190 ft of concrete debris mentioned under bulkheads section of this table	180 cubic yards (for a rip rap slope near floating dock W and a drift sill at the eastern end of the beach)
> 95% Sand/gravel, no or occasional cobble/boulder	No substrate composition was determined for this project. However, it was determined from site visits that a majority of the substrate in project area is a mixture of sand, gravel and mud	Gravel substrate will be added to the project area along 630 feet of shoreline along the southeast section of the park (boat launch area) and along 120 feet of shoreline in front of Bldg 275.
Vegetation Type		
Native aquatic vegetation (indicate species of vegetation amount of coverage)	Not quantified, however during site visits, a large quantity of Eurasian milfoil was observed.	Emergent marsh vegetation and willows including slough sedge, tufted hairgrass, wapato, hardstem bulrush, native willow, and small fruited bulrush will be planted as part of the habitat restoration area #1 covering 0.23 acres (390 feet of shoreline). Habitat restoration areas #2 (30 feet of shoreline) and #3 (600 feet of shoreline) will be planted with native willows.

Table 2
Shoreland Character and Project Table[1]

Shoreland Characteristics	Pre-Project	Post Project
Type of land coverage		
Total upland area (ft^2 or acres)	Approx 17.0 acres[1] (740,000 sq ft)	16.95 acres[1] (738,000 sq ft)
Impervious surface	Approx 610,000 sq ft	Approx 566,000 sq ft
Grass	Approx 115,000 sq ft	Approx 65,000 sq ft
Other non-native vegetation	Approx 10,000 sq ft at NW corner of park consists of a mixture of non-native and native vegetation	0
Area of native vegetation (list approximate area of each vegetation type i.e. ground cover, shrubs, trees)	Approx 10,000 sq ft at NW corner of park consists of a mixture of non-native and native vegetation	Approx 10,000 sq ft of shoreline trees and shrubs
		Approx 60,000 sq ft of hillside trees and shrubs
		Approx 40,000 sq ft of groundcover
Riparian Shoreland Condition (defined as area of land that is 10-ft wide and runs parallel to the shoreline)		
Non-vegetated	Approx 14,500 sq ft	Approx 9,600 sq ft along SE shoreline (boat launch area)
Non-native overhanging vegetation	Approx 1,000 sq ft at NW corner of park consists of a mixture of overhanging native and non-native veg	
Native overhanging vegetation	Approx 1,000 sq ft at NW corner of park consists of a mixture of overhanging native and non-native veg	3,900 sq ft along habitat restoration area #1 300 sq ft along habitat restoration area #2 6,000 sq ft along habitat restoration area #3 (located in Magnuson Park, south of the North Shore Recreation Area). Total: 10,200 sq ft

[1]These numbers reflect a net gain of 0.05 acres of aquatic habitat calculated from a gain of 0.23 acres (390 feet) of vegetated aquatic habitat and a loss of 0.18 acres (630 feet) of aquatic shoreline to gravel beach .

SMC 23.60.454 - Height in the CM Environment

A. Maximum Height. The maximum height in the CM Environment shall be thirty (30) feet, except on Lake Washington where the maximum height for structures over water, including existing single-family residences, shall be fifteen (15) feet, and except as modified in subsections B through E of this section.

No proposed new structures are greater than 30-ft on land or 15-ft over the water.

SMC 23.60.456 Lot coverage in the CM Environment
A. Structures, including floats and piers, shall not occupy more than thirty-five (35) percent of a waterfront lot or an upland lot except as modified by subsection B.

B. Lot Coverage Exceptions. On single-family zoned lots, the maximum lot coverage permitted for principal and accessory structures shall not exceed thirty-five (35) percent of the lot area or one thousand seven hundred fifty (1,750) square feet, whichever is greater.

The lot coverage for this project is 22.5%; therefore meets the development standard for lot coverage.

SMC 23.60.458 View corridors in the CM Environment

A. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots and on any upland through lot separated from a waterfront lot designated CM, CR, CP or CN by a street or railroad right-of-way.

Existing view corridors will not be changing. The proposed boat storage area will not affect the existing view corridors because the change in elevation from the storage area to the street greater than 30'. The boat in the boat storage will be 20-25' tall. Therefore, the view corridors will be maintained.

B. The following uses may be located in a required view corridor:

1. Open wet moorage;

2. Storage of boats undergoing repair; and

3. Parking which meets the criteria of subsection B3 of
Section 23.60.162, View corridors.

SMC 23.60.460 - Regulated public access in the CM Environment

Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on all publicly owned and publicly controlled waterfront whether leased to private lessees or not, except when the property is submerged land which does not abut dry land.

This project meets the criteria for public access for public projects in the CM environments.

C. <u>The Provisions of Chapter 173-27 WAC</u>

WAC 173-27 establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW 90.58. It provides the framework for permits to be administered by local governments, including time requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the state's Department of Ecology (DOE). Since the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of SMC Chapter 23.60 is also consistent with WAC 173-14 and RCW 90.58. As discussed in the foregoing analysis, the proposal is consistent with the criteria for a shoreline substantial development permit and the special use criteria for this environment and may be approved.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT

The Shoreline Substantial Development permit is **CONDITIONALLY GRANTED**. Conditions are listed at the end of this report.

ANALYSIS - SEPA

Environmental impacts of the proposal have been analyzed in environmental documents prepared by Seattle Department of Parks, Recreation ("DOPAR") including a Biological Evaluation dated September 2001, an Environmental Checklist dated January 1, 2002 and the Shoreline Substantial Development Permit application dated August 6, 2002.

Seattle Municipal Code (SMC) Section 25.05.660 provides that proposals can be conditioned or denied in order to mitigate environmental impacts. All conditions must be related to impacts identified in the environmental documents, based on adopted policies, be reasonable and capable of being accomplished. This proposal is reviewed under that substantive SEPA authority.

Disclosure of the potential impacts from this project was made in the environmental documents listed above. This information and supplemental information provided by the applicant (plans and written descriptions of the project) a field visit and the experience of this agency with review of similar projects form the basis for this analysis and conditioning.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term impacts are anticipated from the proposal and are discussed below.

Short-term Impacts

The following temporary or construction-related impacts are expected: temporary increase in noise levels, increase in water turbidity levels, increased levels of fugitive dust and fumes from the construction equipment, disturbance of shorelines and displacement of some fish wildlife species due to increased water turbidity levels and increased noise from the construction activities. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794). Although not significant, these impacts are adverse and, in some cases, mitigation may be warranted.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Seattle Noise Ordinance (construction noise); and State Air Quality Codes administered by the Puget Sound Air Pollution Control Agency (air quality). In addition Federal and State regulations and permitting authority (Section 10 Permit, 404 Permit from the Army Corps and HPA permit from Washington Department of Fish and Wildlife) are effective to

control short-term impacts on water quality. Compliance with these codes and/or ordinances will lessen the environmental impacts of the proposed project.

The applicant's SEPA Checklist discloses that construction materials and equipment will be transported to the site using trucks and barges. It is anticipated that the demolition and construction of in water structures will be conducted from a barge. The barge will be outfitted with equipment (e.g. crane, pile driver) capable of removing the structures and placing new materials during construction activities. It is also anticipated that construction will require the use of a variety of equipment types including front-end loaders, excavators, and graders. The shoreline will be graded back to a gentler gradient and covered with the pea gravel. Access paths and the picnic shelter will be constructed in the upland area adjacent to the shoreline.

Because this proposed work is taking place in- over, and adjacent to the water and equipment will be used for grading and filling in close proximity to the water, there exists the potential for debris and other deleterious material to enter the water during this proposed work. Best management practices (BMPs) should be employed to decrease the probability of debris or other deleterious material from entering the water during the proposed work. A floating silt curtain should be deployed around the construction area to contain the turbid water and any debris that enters the water during construction. At a minimum the floating debris that enters the water during construction should be collected once per day. This material should be contained on site and then disposed of at the appropriate upland facility.

The applicant's Biological Evaluation submitted as part of their environmental review discloses that during pile and pier removal of existing structures and installation of new in- and over water structures, water quality may be impacted in the project area. Uses of Best Management Practices ("BMPs") are offered to reduce impacts as necessary. BMPs suggested by the applicant are:

- Installation of a sediment control fence around shoreline and upland work to minimize the amount of sediment introduced to Lake Union.
- Perform construction from a barge or workboat and construction debris will be stockpiled on the barge with the appropriate containment material around the barge so that construction debris does not end up in the water.
- Dispose of all construction debris in the appropriate upland facilities.
- Locate the barge so that it does not ground.
- Develop a spill prevention control and containment plan and ensure that an emergency spill-containment kit is on hand to contain any hydraulic fluid or other petroleum products should any discharge into the water occur.

Additionally other BMPs are appropriate for this proposed work and include:

- Installation a silt curtain around the work areas
- Use a vibratory hammer and extractor to remove and install piling.

The use of a vibratory extractor will minimize the localized disturbances to the sediments around the pile and the sediment will fall from the water column within hours. During pile installation, use of the vibratory hammer likewise substantially reduces turbidity. Based upon this information it is necessary to condition the project to use Best Management Practices during

pile extraction and installation as necessary to meet applicable State of Washington water quality standards.

Construction impacts to the lake environment will be mitigated by construction company procedures, and DPD and Washington Department of Fish, and Wildlife's restrictions on construction times. No further SEPA conditioning of potential short-term impacts appears to be warranted.

Long-term Impacts

Long-term or use related impacts to the shoreline environment are also anticipated from the proposal and include:

- Continued use of the nearshore lake and shoreline environment for recreation by humans;
- Non-native landscaping in the form of a grass;
- Continued existence of overwater structures;
- Installation of new overwater structures
- Installation of three boat ramps that will cover existing Lake Washington substrate.

These long-term impacts are potentially significant without mitigation; and thus merit a detailed discussion of the impacts and the required mitigation.

Plants and Animals

Chinook salmon, a species listed as threatened under the Endangered Species Act (ESA) in March 1999, are known to inhabit Lake Washington including the proposed project area. Under the City of Seattle's Environmental Policies and Procedures 25.05.675 N (2) it states in part: *A high priority shall also be given to meeting the needs of state and federal threatened, endangered, and sensitive species of both plants and animals.*

This project is proposed to occur in the littoral (shallow water) areas of Lake Washington. The littoral area is part of the migration corridor of chinook salmon and serves as rearing habitat for juvenile chinook salmon from the Sammamish River and Issaquah and Bear Creeks and potentially other water bodies in Water Resource Inventory Area 8.

Long-term impacts on juvenile chinook salmon and the aquatic environment include disturbance in the littoral aquatic area by humans. Additionally, the continued existence of impervious surface in the shoreline environment decreases the shoreline habitat for both native aquatic and terrestrial animals. While the beach area is being used by humans in the littoral area of the lake, the juvenile salmon will be disturbed and will most likely not use this area during the time when both juvenile salmon and human use overlaps. The timing of use by both humans and juvenile chinook salmon use potentially is February through July 15th. By July 15th the majority of juvenile chinook salmon have migrated past this site.

As provided by SMC 25.05.350 C, and 25.05.675 N 2 c, the lead agency may specify mitigation measures on a proposal that would allow the lead agency to issue a Mitigated Determination of Non-Significance (MDNS). These mitigation measures can be in the form of clarification of the proposal, changes to the proposal, or the project may be conditioned to include the mitigation measures. The Department of Parks and Recreation, as the lead agency, included mitigation

measures in the project and issued a MDNS on this project. DPD through their review process for substantive compliance and conditioning has imposed additional conditions on this project. These mitigation measures and conditions are listed below.

- Re-grading the shoreline along 390 feet to a shallower slope.
- Planting native vegetation along 420 ft of shoreline at the site equaling 4,200 square feet of vegetation.
- Planting 600-ft of shoreline with native willows south of the site, equaling 6,000 sq ft of willows.
- Preparing a vegetation monitoring plan to ensure eighty (80) percent survival of the vegetation planted at the end of five years (from when planting occurs) for all vegetation planted within the Shoreline District.
- Removing 50, 10-inch creosote piling.
- Creating a gradual slope along 630 feet of shoreline by adding substrate to cover the existing bulkhead.
- Removing 1260 sq ft of building 31, which is overwater.
- Planting 60,000 sq ft if hill side vegetation.
- Removing concrete debris along 190 ft of shoreline and enhancing this area with native vegetation.
- Filling the interstitial spaces of the 180 c.y. of rip rap to decrease the habitat for predator species of juvenile chinook salmon

Each of these mitigation measures and conditions are intended to minimize impacts on juvenile salmon habitat or improve the aquatic habitat at the site. Collectively they are believed to help improve the nearshore lake environment by increasing the complexity of the shoreline. The riparian vegetation planted along the shoreline will increase the allocthonous input of insects and detritus to Lake Washington providing food for juvenile salmonids and nutrients for other aquatic organisms. In addition, the substrate amendment actions and re-grading of the shoreline site will decrease the amount of erosion that occurs at the site and will provide shallow water habitat for juvenile chinook and other salmonids.

SEPA AND SHORELINE CONDITIONS

Prior to Issuance of MUP

1. A Spill Prevention and Response Plan shall be developed and submitted to DPD.

2. A vegetation monitoring plan shall be submitted to DPD. This monitoring plan shall ensure that eighty (80) percent or greater survival of the vegetation planted after five (5) years from the time of planting for all vegetation planted in association with this MUP approval. The vegetation monitoring plan will state that no pesticides, herbicides or chemical fertilizers will be used in the Shoreline District.

3. Obtain a permit from the Puget Sound Clean Air Agency for demolition of existing structures that may contain asbestos and/or lead paint.

Prior to Commencement of Proposed Work

4. Department of Parks and Recreation and/or responsible party(ies) shall notify in writing all contractors and sub-contractors of the general requirements of the Seattle Shoreline Master Program (SSMP 23.60.152), including the requirements set forth in conditions of the MUP.

Construction Conditions

The following conditions(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the Master Use Permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

5. Employ appropriate best management practices (BMPs) to prevent material from entering Lake Washington during the proposed in and adjacent to water work. BMPs shall include the deployment of a silt curtain surrounding the construction area. The curtain shall remain in place for the duration of the proposed work.

    a. The silt curtain shall serve to contain the turbid water and any floating debris that may enter the water during the proposed work. If floating debris enters the water, this debris shall be removed from the water daily, stored on-site, and then disposed of in the appropriate upland facility.

    b. If heavy (sinking) debris enters the water during the proposed work the location of the debris shall be documented in a log to be kept through the duration of the project. When construction is complete a diver shall retrieve all debris that has entered the water and sunk during construction.

6. Material used for the rip rap shall mainly consist of 4 to 6 inch diameter material with some larger 6 to 8 inch diameter material used. The interstitial spaces of the rip rap shall be filled with 2-inch minus material.

7. Native vegetation shall be planted in 10,200 square feet of the Shoreline District

8. In compliance with the Spill Prevention and Response Plan, measures described in the plan shall be employed by all personnel working at the site to prevent toxic materials, petrochemicals and other pollutants from entering surface water during the proposed construction work. The Spill Prevention and Response Plan document and the appropriate materials for quick response to any toxic spills shall be kept at the site.

General Condition

9. Vegetation shall be monitored to ensure eighty (80) percent or greater survival of the vegetation planted after five (5) years from the time of planting for all vegetation planted in association with this MUP approval and is located with the Shoreline District. Contingency measures shall include replacement with similar native species of plants that do not survive.

10. All other vegetation shall be maintained according to DOPARs maintenance schedule.

11. No pesticides, herbicides or chemical fertilizers shall be used in the Shoreline District.

12. Maintenance of the rip rap shall occur and shall consist of inspection of the interstitial spaces of the rip rap yearly. When a reduction in the material within the interstitial spaces has reached 50 percent these areas shall be filled with 2-inch minus material to fill the voids created over time.

Signature: (signature on file) Date: April 5, 2004
Margaret M. Glowacki, Fisheries Biologist/Salmon Planner
Department of Planning and Development
Land Use Services

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